

Remarks:

In the Office Action mailed on July 30, 2009 the Examiner rejected claims 1-8, 11 and 12. Claims 1, 5, 11 and 12 are amended herein. Claims 9-10 were previously cancelled. Claims 1-8, 11 and 12 are pending in the application.

The Claims

Claims 1, 5, 11 and 12 have been amended to more clearly recite the subject matter of the invention. The amendments are not directed per se to overcome any rejections or objections made by the Examiner. However, in the view of Applicants, the amendments render the claims more clear.

35 USC 102

Claims 1-8 and 11-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Lin, (US 5,615,267 hereinafter “Lin”). Applicants traverse the rejection.

Anticipation under 35 U.S.C. 102(e) requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. That standard cannot be met with Lin.

Applicants have amended Claim 1 to more clearly identify that the method relates to synchronizing authentication algorithms used by a device (CARD) and a data processing device (SERV). As such, Claim 1 is directed to a method patentably distinct from the disclosure of Lin.

To summarize the argument which follows below, fails to teach or suggest at least two aspects of Applicants’ claimed invention, namely, that (1) Lin does not teach or suggest storing a second inactive authentication algorithm in the handset, i.e., the device most closely related to applicants device, (2) that there is no disclosure in Lin of a step of switching from a first authentication algorithm to a second authentication algorithm, and (3) in Lin there is no inhibition of the first algorithm upon switching to the second algorithm.

Consider, for example, Claim 1. Claim 1 recites “a preliminary step of storing a second inactive authentication algorithm (Algo2) in a memory element of the device (CARD); and a step for switching from the first authentication algorithm to the second authentication algorithm.” Thus, Claim 1 is directed to a device that at a minimum has two authentication algorithms stored thereon or the switching between the two would be impossible.

Lin teaches away from the notion of using two authentication algorithms on the handset. Lin teaches the use of two authentication “schemes”, namely, the WS Scheme (Lin, Col. 2, Line 18 through Col. 3, Line 14) and the S Scheme (Lin, Col. 3, Line 15 et seq.). For both schemes, Lin teaches the use of the CAVE algorithm (with respect to WS: “the handset executes a Cellular Authentication and Voice Encryption (CAVE) algorithm using the SSD, ESN, and MIN associated with the handset, and RAND obtained from the PSP” (Lin, Line, Col. 2, Lines 29 – 32); and with respect to S: “the handset executes the CAVE algorithm using the SSD, ESN, and MIN associated with the handset, and RAND obtained from the PSP at that time” (Lin, Col. 3, Lines 32 – 35)). Thus, Lin teaches the use of one algorithm only on the handset.

From there, it follows that Lin does not teach or suggest the step of switching from the first to the second algorithm as Lin does not teach or suggest two algorithms on the handset.

It also follows that in the handset there cannot be an inhibition of the first algorithm upon switching to the second algorithm, because, as noted above, there is only one authentication algorithm in the handset.

With respect to the Authentication Center (AC), Lin teaches a mechanism of switching between two the WS scheme and the S scheme based on a count. *See e.g.*, Lin Col. 5, Line 49 through Col. 6, Line 27. The count indicates the number of calls processed during a registration which in turn affects a state in an automaton used to select between the two schemes. Thus, both schemes must be active, or it would not be possible to dynamically select between the two.

Thus, inhibiting algorithms switched from is entirely contrary to the mechanism taught by Lin and would render Lin inoperable for its intended purpose.

For the foregoing reasons, Claim 1 is not anticipated by and is not obvious over Lin and should be allowed. Independent claims 8 and 11 recite analogous limitations and are patentable over Lin for at least the same reasons given in support of Claim 1.

Claims 2-7 depend from Claim 1 and Claim 12 depends from Claim 11. These claims incorporate all the limitations of their respective base claims, provide new and non-obvious combinations, are patentable for the reasons given in support of the base claims and by virtue of such further combinations.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

CONCLUSION

It is submitted that all of the claims now in the application are allowable. Applicants respectfully request consideration of the application and claims and its early allowance. If the Examiner believes that the prosecution of the application would be facilitated by a telephonic interview, Applicants invite the Examiner to contact the undersigned at the number given below.

Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

Date: December 30, 2009

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